

NO. 24948

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

OFFICE OF DISCIPLINARY COUNSEL, Petitioner,

vs.

NEAL J. KUGIYA, Respondent.

(ODC 99-268-6098)

ORDER OF SUSPENSION

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of the Disciplinary Board's Report and Recommendation For The Suspension of Respondent Neal J. Kugiya From The Practice Of Law For A Period Of One Year And One Day, and the record, it appears that Respondent Kugiya violated Rules 1.5(c), 1.15(a)(1), 1.15(b), 1.15(c), 1.15(d), 1.15(f), and 8.4(a) of the Hawai'i Rules of Professional Conduct, when he commingled and misappropriated to his own use and benefit the settlement funds of his client that were claimed by a third party. Such misconduct warrants disbarment in the absence of strong mitigating circumstances, see Office of Disciplinary Counsel v. Cashman, 63 Haw. 382, 629 P.2d 105 (1981); Office of Disciplinary Counsel v. Smith, 62 Haw. 467, 617 P.2d 80 (1980); Office of Disciplinary Counsel v. Kim, 59 Haw. 449, 583 P.2d 333 (1978). It finally appears that there are strong mitigating circumstances in this case. Therefore,

IT IS HEREBY ORDERED that Respondent Neal J. Kugiya is suspended from the practice of law in this jurisdiction for a period of one (1) year and one (1) day, effective thirty (30) days after entry of this order, as provided by Rule 2.16(c) of the Rules of the Supreme Court of the State of Hawai'i.

IT IS FURTHER ORDERED that Respondent Kugiya shall, within ten (10) days after the effective date of this order, file with this court an affidavit in full compliance with RSCH 2.16(d).

IT IS FINALLY ORDERED that Respondent Kugiya's motion for oral argument is denied.

DATED: Honolulu, Hawai'i, August 22, 2002.